

Application No. 10/802,599  
Amendment dated March 30, 2007  
Reply to Office action dated March 2, 2007

## **REMARKS/ARGUMENTS**

### **Election/Restriction**

Applicant traverses the withdrawal of claims 38-54 which are directed to a multifunctional food preparation apparatus which is the subject matter of elected Group I. Claims 1-13 are directed to a multifunctional food preparation apparatus. The Examiner's withdrawal of the claims is not supported by the stated reasons that the inventions are not connected in design, operation or effect. Withdrawal of the restriction requirement will not result in additional searching. Applicant respectfully requests the Examiner to reconsider the withdrawal of claims 38-54 and proceed with the examination of claims 1-13 and 38-54.

### **Amendments to the Specification**

The specification was reviewed in detail and Applicant submits several amendments to the specification to correct spelling and typographical error and to correct reference numbers. No new matter is added to the specification by the amendments.

### **Amendments to the Drawings**

Applicant submits corrected drawing FIGS. 6, 7 and 12, changing some occurrences of reference number 84 to 83H and 87. The original drawing figures

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included three different structures 84. The corrected drawings comport with the original disclosure and the amended specification. No new matter is added.

### **Claim Rejections - 35 USC §112**

The claim rejections are noted. Applicant amended claim 1 to change "over" to "apparatus", as recited in the preamble. Applicant does not understand the other basis for rejection. The terms "the top" and "the bottom" have antecedent basis in line 3 of the claim, i.e. "a preparation chamber having a top and a bottom."

### **Claim Rejections – 35 USC §102**

The Examiner rejected claim 1-13 as being clearly anticipated by U.S. Patent No. 6,152,024 to Tippmann ("Tippmann"). Applicant respectfully traverses the rejections. Tippman does not disclose each and every element of the claims.

Referring to independent claim 1, and by way of example only, Tippmann does not disclose a main heat source positioned adjacent the top of the preparation chamber or a collection pan within the cooking chamber positioned below the rack collect by-products rendered from the food products during preparation. Tippmann's main heat source is steam generated from water 12 heated by a heating element 13 at the bottom of the cooking chamber. Although Tippmann failed to include the reference number 13 in the drawings, a structure recognized as a heating element is positioned below the water 12. Moreover, since the water source extends along the expanse of Tippmann's

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apparatus, there is no a collection pan within the cooking chamber positioned below the rack 4. Therefore, Tippmann does not disclose each and every element of independent claim 1, and the claim is allowable over the reference.

Claims 2-13 depend from claim 1, including all of the elements of claim 1 and further defining the invention. Since Tippmann does not disclose each and every element of claim 1 it cannot anticipate the dependent claims. Hence, claims 2-13 are also allowable over the reference.

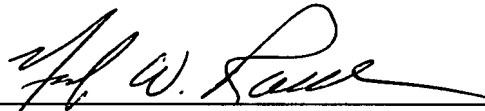
Tippman does not anticipate or render obvious the withdrawn claims 38-54. Applicant respectfully requests entry and allowance of the withdrawn claims.

Based upon the foregoing, Applicant requests reconsideration and allowance of the claims and passage of the case to issue.

Respectfully submitted,

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By



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